

ORIGINAL
IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

(18 pm
10/19/00)
**FILED
HARRISBURG**

OCT 18 2000

MARY E. D'ANDREA, CLERK
Per
DEPUTY CLERK

BRADFORD JOHNSON,
Plaintiff

v.

**SGT. JOSE RODRIGUEZ, OFFICER
ELLING, OFFICER JACKSON AND
SGT. STEWART,**

Defendants

No. 1:CV-00-0675

(Judge Rambo)

(Magistrate Judge Blewitt)

**DEFENDANTS' MOTION FOR EXTENSION OF TIME
TO FILE MOTION FOR SUMMARY JUDGMENT**

Defendants Rodriguez, Eling, Jackson and Stewart, through their counsel, hereby request this Court to grant an extension of time to file a motion for summary judgment of ninety (90) days. In support hereof, the defendants state as follows:

1. This is an inmate's pro se civil rights action filed pursuant to 42 U.S.C. §1983. The action was filed in April 2000 and the defendants responded to the complaint on July 14, 2000.
2. By order dated September 6, 2000, this Court ordered that all dispositive motion be filed by October 23, 2000.
3. During the pendency of this action, plaintiff has taken written discovery from the defendants.
4. Plaintiff was released from prison on parole to a community half-way house facility on September 20, 2000 where he now resides.
5. Defendants noticed the plaintiff's deposition at defendants' counsel's office for September 25, 2000. See Exhibit A. Plaintiff responded that he would not appear because

counsel had not sought leave of court to take his deposition as required by Fed. R. Civ. P.

30(a)(2). See Exhibit B. Counsel wrote back to Plaintiff, indicating that that Rule only applied to persons "confined in prison" and not to him at this point in time and, accordingly, re-noticed the deposition for October 12, 2000. See Exhibits C and D.

6. On October 11, 2000, an individual from the half-way house where Plaintiff now resides telephoned counsel and indicated that there was a problem with Plaintiff's Parole Agent in arranging the travel from that location to Harrisburg for the deposition. The individual confirmed the matter in writing. See Exhibit E.

7. Defendants desire to take the deposition of the plaintiff prior to moving for summary judgment. Arranging the deposition will take coordination of the half-way house, the parole agent as well as counsel's schedule.

8. The deposition of the plaintiff will hone the issues within the complaint and fully elucidate the factual evidence in support of the plaintiff's claims.

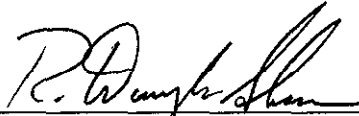
9. An extension as requested herein will not cause prejudice to any party and is not intended to unnecessarily delay these proceedings.

WHEREFORE, the defendants respectfully request that the time for filing a dispositive motion in this action be extended until January 22, 2001.

Respectfully submitted,

D. MICHAEL FISHER
Attorney General

BY:


R. DOUGLAS SHERMAN
Senior Deputy Attorney General

SUSAN J. FORNEY
Chief Deputy Attorney General

Office of Attorney General
15th Fl., Strawberry Square
Harrisburg, PA 17120
(717) 787-1179

DATED: October 18, 2000

CT/D
9/13

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

BRADFORD JOHNSON,
Plaintiff

v.

SGT. JOSE RODRIGUEZ, OFFICER
ELLING, OFFICER JACKSON AND
SGT. STEWART,
Defendants

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: No. 1:CV-00-0675
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: (JUDGE RAMBO)
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: (MAGISTRATE JUDGE BLEWITT)
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: FILED 5/10/00
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NOTICE OF DEPOSITION

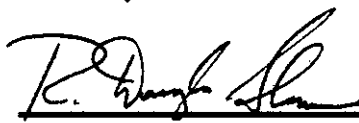
TO: Bradford Johnson, DP-2967
SCI-Rockview
Box A
Bellefonte, PA 16823-0820

Please be advised that the undersigned will take the deposition of plaintiff

Bradford Johnson, under oath at the Office of Attorney General, Litigation Section, 15th Floor,
Strawberry Square, Harrisburg, Pennsylvania on Monday, September 25, 2000, at 9:30 a.m.

D. MICHAEL FISHER
Attorney General

BY:


R. DOUGLAS SHERMAN
Senior Deputy Attorney General
I.D. No. 50092

Office of Attorney General
Litigation Section
15th Fl., Strawberry Square
Harrisburg, PA 17120
(717) 787-1179

SUSAN J. FORNEY
Chief Deputy Attorney General
Chief, Litigation Section

DATED: September 13, 2000



IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

BRADFORD JOHNSON,
Plaintiff

v.

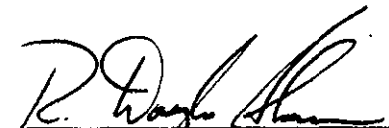
SGT. JOSE RODRIGUEZ, OFFICER
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SGT. STEWART,
Defendants

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: No. 1:CV-00-0675
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: (JUDGE RAMBO)
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: (MAGISTRATE JUDGE BLEWITT)
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: FILED 5/10/00
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CERTIFICATE OF SERVICE

I, **R. Douglas Sherman**, Senior Deputy Attorney General for the Commonwealth of Pennsylvania, hereby certify that on September 13, 2000, I served a true and correct copy of the foregoing Notice of Deposition, by causing it to be deposited in the United States Mail, first-class postage prepaid to the following:

Bradford Johnson, DP-2967
State Correctional Institution at Rockview
Box A
Bellefonte, PA 16823-0820


R. DOUGLAS SHERMAN
Senior Deputy Attorney General

CT/D

9/17/00

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

BRADFORD JOHNSON,
Plaintiff

vs

Sgt JOSE RODRIGUEZ, OFFICER
ELLING, OFFICER JACKSON AND
Sgt. STEWART,
Defendants

; No. 1:CV-00-00675
;
; (Judge RAMBO)
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; (Magistrate Judge BLEWITT)
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DEPOSITION NOTICE RESPONSE

RECEIVED

TO: R. DOUGLAS SHERMAN
SENIOR DEPUTY ATTORNEY GENERAL
Litigation Section
15th Fl., Strawberry Square
Harrisburg, PA 17120

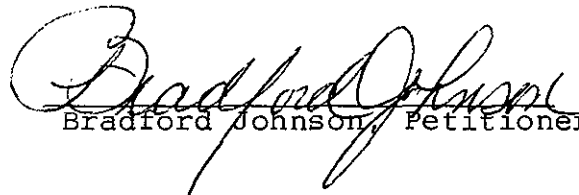
SEP 21 2000

OFFICE OF ATTORNEY GENERAL
LITIGATION SECTION

Your deposition notice was received on September 15, 2000.

You have not received leave of the court to take my deposition as required by Fed. R. Civ. P. 30 (a)(2), therefore I will not be attending the deposition as noticed.

I would also, when you do take my deposition, like to take the deposition of the defendants. Please write to me, with proposed dates, for these depositions.


Bradford Johnson, Petitioner Pro Se

9-17-2000
DATE





COMMONWEALTH OF PENNSYLVANIA
OFFICE OF ATTORNEY GENERAL

MIKE FISHER
ATTORNEY GENERAL

September 25, 2000

Litigation Section
15th Fl., Strawberry Square
Harrisburg, PA 17120
Direct Dial (717) 787-1179
FAX: (717) 772-4526

Bradford Johnson
Liberty Management
1007 W. Lehigh Avenue
Philadelphia, PA 19133

Re: Johnson v. Rodriguez, et al.,
No. 1:CV-00-0675 (M.D. PA)

Dear Mr. Johnson:

I am in receipt of your "Deposition Notice Response" dated September 17, 2000 in which you indicated that you would not attend your deposition noticed for September 25, 2000 because I had not received leave of court to do so. Please note that leave to take a deposition is only required if the person to be deposed "is confined in prison." See Fed.R.Civ.P. 30(a)(2). Since you are no longer confined in prison, leave to take your deposition is no longer required. Accordingly, I am re-noticing your deposition for October 12, 2000. Should you fail to attend the deposition without first obtaining a court order justifying your failure to appear, I will move to dismiss the action as a sanction for your refusal to cooperate with legitimate discovery.

Very truly yours,

A handwritten signature in cursive script, appearing to read "R. Douglas Sherman".

R. Douglas Sherman
Senior Deputy Attorney General



IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

BRADFORD JOHNSON,
Plaintiff

v.

SGT. JOSE RODRIGUEZ, OFFICER
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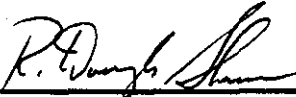
AMENDED NOTICE OF DEPOSITION

TO: Bradford Johnson, DP-2967
Liberty Management
1007 W. Lehigh Avenue
Philadelphia, Pa 19133

Please be advised that the undersigned will take the deposition of plaintiff

Bradford Johnson, under oath at the Office of Attorney General, Litigation Section, 15th Floor,
Strawberry Square, Harrisburg, Pennsylvania on Thursday, October 12, 2000, at 9:30 a.m.

D. MICHAEL FISHER
Attorney General

BY: 
R. DOUGLAS SHERMAN
Senior Deputy Attorney General
I.D. No. 50092

Office of Attorney General
Litigation Section
15th Fl., Strawberry Square
Harrisburg, PA 17120
(717) 787-1179
DATED: September 25, 2000

SUSAN J. FORNEY
Chief Deputy Attorney General
Chief, Litigation Section



IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

BRADFORD JOHNSON,

Plaintiff

v.

SGT. JOSE RODRIGUEZ, OFFICER
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No. 1:CV-00-0675

(JUDGE RAMBO)

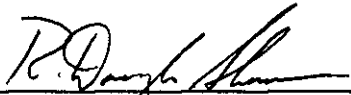
(MAGISTRATE JUDGE BLEWITT)

FILED 5/10/00

CERTIFICATE OF SERVICE

I, **R. Douglas Sherman**, Senior Deputy Attorney General for the Commonwealth of Pennsylvania, hereby certify that on September 25, 2000, I served a true and correct copy of the foregoing Amended Notice of Deposition, by causing it to be deposited in the United States Mail, first-class postage prepaid to the following:

Bradford Johnson
Liberty Management
1007 W. Lehigh Avenue
Philadelphia, PA 19133



R. DOUGLAS SHERMAN
Senior Deputy Attorney General

Oct-11-00 16:18 LMS. Inc

215 227 1822

P.02

**Liberty Management
Services**

1007 W. Lehigh Ave. Phila. Pa. 19133
215-227-1930 EXT. 209
FAX 215-227-1822

RECEIVED

OCT 13 2000

October 11, 2000

OFFICE OF ATTORNEY GENERAL
LITIGATION SECTION

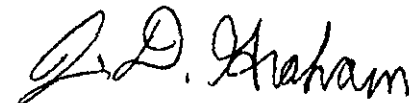
Litigation Section
15th Floor Strawberry Square
Harrisburg Pa. 17120

Re. Johnson v. Rodriguez et al.,
No. 1 : CV -00-0675-(M. D. PA)

Deputy Attorney General Sherman:

In regard to our conversation of October 11, 2000, Mr. Bradford Johnson did not receive permission from his Parole Agent to attend the deposition on October 12 in Harrisburg. Both Mr. Johnson and I would be grateful for a continuance on the deposition as he is eager to be deposed and L. M. S. does not wish to hinder any legal process. If I can be of any further assistance please feel free to call or fax me.

Thank You,



J. D. Graham



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SGT. JOSE RODRIGUEZ, OFFICER
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No. 1:CV-00-0675

(Judge Rambo)

(Magistrate Judge Blewitt)

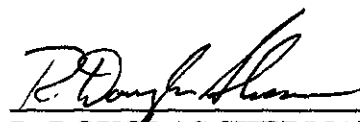
CERTIFICATE OF SERVICE

I, R. DOUGLAS SHERMAN, Senior Deputy Attorney General for the Commonwealth of Pennsylvania, Office of Attorney General, hereby certify that on October 18, 2000, I caused to be served a true and correct copy of the foregoing document entitled "DEFENDANTS'

MOTION FOR EXTENSION OF TIME TO FILE MOTION FOR SUMMARY

JUDGMENT," by depositing same in the United States Mail, first-class postage prepaid to the following:

Bradford Johnson
Liberty Management
1007 W. Lehigh Street
Philadelphia, PA 19133


R. DOUGLAS SHERMAN
Senior Deputy Attorney General

DATE: October 18, 2000